

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

THOMAS E. PEREZ, Secretary of Labor,)	CASE NO. 1:12-CV-00897
United States Department of Labor,)	
)	Judge James S. Gwin
Plaintiff,)	
)	
v.)	
)	
POSTAL POLICE OFFICERS)	
ASSOCIATION,)	
)	
Defendant.)	

STIPULATION OF SETTLEMENT

Plaintiff, Thomas E. Perez, Secretary of Labor (Secretary) ¹, and Defendant, Postal Police Officers Association (PPOA), by and through their undersigned counsel, hereby stipulate and agree to settlement of this dispute as follows, and respectfully request that the court so order:

1. This action was brought by the Secretary pursuant to Title IV of the Labor-Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. § 401, *et seq.*, (LMRDA), for the purpose of voiding the results of PPOA's July 29, 2011 election of union officers for the offices of President and First Vice President, and requesting a new election for the

¹ Pursuant to F.R.C.P. 25(d), Plaintiff substitutes Thomas E. Perez, the current Secretary of Labor who was sworn in on July 23, 2013, for Hilda L. Solis.

offices of President and First Vice President, under the supervision of the Secretary.

2. In his complaint, the Secretary contends that PPOA violated sections 401(c) and 401(g) of the LMRDA, 29 U.S.C. § 481(c) and (g), during the conduct of the aforesaid election when a candidate used a union list of members' home email addresses, compiled while performing work for PPOA, to email a campaign message without making that list available to other candidates.
3. PPOA denies that it violated the aforementioned provisions of the LMRDA in the conduct of its 2011 election.
4. The Parties, in settlement of this action and in order to avoid time-consuming and costly litigation, hereby stipulate and agree that the Secretary will supervise the PPOA's regularly scheduled election of officers in July 2014, including nominations, for that election. The Secretary will provide the facility for the tally in Washington, DC and will perform the tally, with the opportunity for members to witness the tally.
5. The supervised election shall be conducted in accordance with Title IV of the Act, 29 U.S.C. § 481, *et seq.*, and, insofar as lawful and practicable, in accordance with the Constitution and Bylaws of PPOA.
6. All decisions as to the interpretation or application of Title IV of the LMRDA, and PPOA's Constitution and Bylaws relating to the supervised election are to be determined by the Secretary and his decision shall be final, except as subject to review in this court.
7. The Court shall retain jurisdiction of this action pursuant to Section 402(c)(3) of the Act, 29 U.S.C. 482(c)(3), and after completion of the supervised election, plaintiff shall certify

to the Court the name of the persons elected. Upon approval of such certification, the Court shall enter a Judgment declaring that such persons have been elected.

8. Each party shall bear its own costs, including attorney's fees, and other expenses incurred by the party in connection with any stage of this proceeding.

Dated this 21st day of February, 2014.

MURPHY ANDERSON PLLC

s/ Arlus J. Stephens
Arlus J. Stephens (0067384)
Murphy Anderson PLLC
1701 K Street NW
Suite 210
Washington, DC 20006
(202) 223-2620 (telephone)
(202) 223-8651 (facsimile)
astephens@murphypllc.com (e-mail)

Attorney for PPOA

STEVEN M. DETTELBACH
UNITED STATES ATTORNEY
Northern District of Ohio

/s/ Renée A. Bacchus
Renee A. Bacchus (0063676)
Assistant U.S. Attorney
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113
(216-622-3707) (Bacchus)
(216) 522-4982 Fax
Renee.bacchus@usdoj.gov

Attorney for Plaintiff Thomas E. Perez,
Secretary of Labor, U.S. Department of Labor

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2014, the foregoing Stipulation of Settlement and Order was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties of record.

/s/ Renée A. Bacchus
Renée A. Bacchus
Assistant United States Attorney